

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re VEECO INSTRUMENTS, INC. : Case No.: 7:05-md-01695 (CM)(GAY)
SECURITIES LITIGATION :
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THIS DOCUMENT RELATES TO :
ALL ACTIONS :
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**LEAD PLAINTIFF'S NOTICE OF MOTION AND MOTION TO VACATE
AND REVERSE, IN PART, THE DISCOVERY ORDER OF MAGISTRATE JUDGE
GEORGE A. YANTHIS SIGNED JANUARY 26, 2007 PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 72**

PLEASE TAKE NOTICE that, upon the papers to be filed with this Court, Lead Plaintiff, by their counsel Berger & Montague, P.C., shall respectfully move this Court, before the Honorable Colleen McMahon, United States District Judge, at a date and time to be determined by the Court, for an Order, pursuant to Fed. R. Civ. P. 72(a), vacating and reversing, in part, the Discovery Order of Magistrate Judge George A. Yanthis signed on January 26, 2007 and entered on January 29, 2007.

Lead Plaintiff objects for the reasons set forth in its supporting Memorandum of Law which is fully incorporated herein by reference.

PLEASE TAKE FURTHER NOTICE that Lead Plaintiff will rely on the supporting Memorandum of Law, the Declaration of Jeffrey L. Osterwise, and accompanying Exhibits filed herewith; and

PLEASE TAKE FURTHER NOTICE that Plaintiff requests oral argument on this motion.

A proposed form of Order is submitted herewith.

Dated: February 9, 2007

BERGER & MONTAGUE, P.C.

By:


Sherrie R. Savett
Carole A. Broderick
Phyllis M. Parker
Jeffrey L. Osterwise
Shoshana T. Savett
1622 Locust Street
Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4674

*Lead Counsel for Lead Plaintiff and the
Class*

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